

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

Case No. 02-40255

vs.

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

ROBERT VIETA,

Defendant.

HONORABLE STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

_____/

ORDER REGARDING PLAINTIFF'S MOTION FOR CLARIFICATION (DKT. #146)

All pretrial proceedings have been referred pursuant to 28 U.S.C. §636(b)(1)(A) and (B).

On December 6, 2006, Plaintiff's request for appointment of counsel was granted and it was explained that Plaintiff would be contacted when the appointment of a specific counsel had been made (Dkt. #143). On January 29, 2007, Plaintiff filed this motion requesting clarification regarding the previous order, apparently because he had not yet been contacted regarding the appointment of counsel. Plaintiff is hereby advised that his case is still in the process of being assigned to counsel and he will be notified as soon counsel is assigned.

In this same motion Plaintiff sought clarification of the undersigned's January 5, 2007, order requiring Defendant Vieta to produce his criminal record to the court for an *in-camera* review on or before January 22, 2007 (Dkt. #145). Plaintiff is advised that Defendant Vieta's attorney has sent correspondence to the court indicating that there is no further criminal record to review.

Therefore, Defendant Vieta has complied with the January 5, 2007, order and no further documents

will be produced regarding his criminal record. Because no objection was filed to the January 5, 2007, order, the undersigned's deputy clerk will, under separate cover, provide Plaintiff with a copy of Defendant Vieta's 1998 Employee Disciplinary Report related to the March 24, 1998, incident and return the entire file to the Defendant.

SO ORDERED.

Dated: January 31, 2007
Flint, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that on January 31, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Kevin R. Himebaugh, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant: Gregory Hardy, #252393, Belllamy Creek Correctional Facility, 1727 W. Bluewater Hwy., Ionia, MI 48446.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peliter@mied.uscourts.gov